

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:
Egly N. Valenzuela,

Debtor.

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Order Filed on November 13, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 18-21302-VFP
Judge: Vincent F. Papalia
Hearing Date(s): 10-18-18 @ 11:00 am
Chapter: 13

Recommended Local Form

☒ Followed

☐ Modified

**ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: November 13, 2018

Honorable Vincent F. Papalia
United States Bankruptcy Judge

Applicant: Citizen's Bank, N.A.
Applicant's Counsel: Ronald S. Gellert
Debtor's Counsel: Mark Goldman
Property Involved ("Collateral"): 2013 Ford Edge (VIN. 2FMDK4JC4DBB49166)
Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 5 months, from April 5, 2018 to August 5, 2018.
- ☐ The Debtor is overdue for _____ payments at \$_____ per month.
- ☐ The Debtor is assessed for _____ late charges at \$_____ per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$_____ received after the motion was filed.

Total Arrearages Due \$ 2,148.36.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$ 1469.72. Payment shall be made no later than 10/15/2018.
- ☐ Beginning on _____, regular monthly mortgage payments shall continue to be made in the amount of \$_____.
- ☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$_____ for _____ months.

☒ The amount of \$ 537.09 shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$ _____ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment: Citizen's Bank
1 Citizens Way
JCA115 Johnson, RI 02919

☐ Regular monthly payment: _____

☐ Monthly cure payment: _____

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☒ Attorneys' fees are not awarded.

Certificate of Notice Page 5 of 5
 United States Bankruptcy Court
 District of New Jersey

In re:
 Egly N Valenzuela
 Debtor

Case No. 18-21302-VFP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf903

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Nov 13, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 15, 2018.

db +Egly N Valenzuela, 360 River Road, Apt. B, Nutley, NJ 07110-3613

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 15, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 13, 2018 at the address(es) listed below:

David G. Beslow on behalf of Debtor Egly N Valenzuela yrodriguez@goldmanlaw.org,
 yrodriguez.knight29@gmail.com/ecf-control@goldman-beslow.com;r64764@notify.bestcase.com
 John R. Morton, Jr. on behalf of Creditor Credit Acceptance Corporation
 ecfmil@mortoncraig.com, mortoncraigecf@gmail.com
 Joseph H. Lemkin on behalf of Creditor GREEN KNOLL CONDOMINIUM ASSOCIATION, INC.
 jlemkin@stark-stark.com
 Laura M. Egerman on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana
 Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust bkyecf@rasflaw.com,
 bkyecf@rasflaw.com;legerman@rasnj.com
 Marie-Ann Greenberg magecf@magtrustee.com
 Mark Goldman on behalf of Debtor Egly N Valenzuela yrodriguez@goldmanlaw.org,
 yrodriguez.knight29@gmail.com/ecf-control@goldman-beslow.com;r64764@notify.bestcase.com
 Rebecca Ann Solarz on behalf of Creditor Ditech Financial LLC rsolarz@kmlawgroup.com
 Ronald S. Gellert on behalf of Creditor Citizens Bank, N.A. rgellert@gsbblaw.com,
 abrown@gsbblaw.com
 Sindi Mncina on behalf of Creditor WILMINGTON SAVINGS FUND SOCIETY smncina@rascrane.com
 Tana Bucca on behalf of Creditor GREEN KNOLL CONDOMINIUM ASSOCIATION, INC.
 tbucca@stark-stark.com
 U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11